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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 96-148

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

a. The U.S. Code citation should be used in s. NR 102.05 (3) (i). [See 1.07 (3), Manual.]

b. The incorporation by reference in s. NR 105.02 (1) could be expressed more clearly by describing the federal code “in effect on” the effective date of the rule. This phrase could be used at a number of places in the rule.

c. In s. NR 105.02 (2) (a), “The” should replace “Such.”

d. In general, new material should be created in a separate SECTION rather than being added as an amendment. For example, see s. NR 105.02 (3). This occurs at a number of places in the rule.

e. The new material in s. NR 105.03 (24) should be inserted before the existing period.

f. In general, subunits of a rule should end with a period rather than a semicolon, comma, “and” or “or”, other than introductory material, which ends with a colon. [See s. 1.03 (intro.), Manual.] For example, in s. NR 105.05 (1) (a), all 10 subdivisions should end with periods. As drafted, several subdivisions end with commas, some end with periods and subd. 7. ends with “, and”. In s. NR 106.06 (5) (a) 4. (intro.), “any of” should be inserted after “when” and all three subdivision paragraphs should end with periods. The entire rule should be reviewed for instances of this error.

g. When subdivision numbers are used in the text of a rule, they should be followed by a period. For example, in s. NR 105.05 (1) (a) 9., “subds. 1. to 8.” should replace “sub. 1 to 8”. In subd. 10., a similar change is needed. The entire rule should be reviewed for instances of this error.

h. In general, subunits of the existing rules that are not amended should not be shown. For example, see s. NR 105.06 (1) (a) (intro.).

i. Introductory material should end with a colon and lead into the subunits that follow. [See s. 1.03 (8), Manual.] For example, see s. NR 105.06 (6) (a) (intro.).

j. In general, “reserved” tables should not be created. See Table 3 in SECTION 30. If there is some reason for creating a table with no content, a note should be included explaining the department’s intention with respect to the content of the table.

k. New material should be inserted after adjacent existing material that is stricken. See s. NR 106.06 (4) (b) (intro.) and a number of other places in the rule.

l. “Produce” should be made plural by striking the existing word and inserting “produces” after it. See s. NR 106.07 (6) (a).

m. It is inappropriate drafting to subdivide a paragraph into only one subdivision. Therefore, since subd. 1. is being repealed, s. NR 106.09 (1) (c) (intro.) and 2. should be consolidated. Also, a singular word may not be created by striking the “s” at the end of a plural word. See “conditions” in par. (c) (intro.).

n. In s. NR 207.02 (7) and (9), all of the words in the terms being defined should be lowercase except “Superior” and the first word of each term.

o. The existing title of a section in the rules should not be included if only subsections are being amended. See the title to s. NR 207.03.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. The comma after “Great Lakes” in s. NR 102.04 (6) should be stricken.

b. Would it be better to use the defined term “surface waters” rather than “streams, rivers, lakes and other bodies of water” in s. NR 102.12 (1)?